

REMARKS

In reply to the Office Action mailed February 12, 2004, Applicants amended claims 1, 35, 49, and 61. Claims 1, 2, 4-35, 38-44, 49 and 51-65 are presented for examination. Please consider the following remarks.

Applicants note that reference EP 0520985 was initialed as considered on February 27, 2003. Applicants have confirmed with the Examiner that this reference indeed has been considered. Accordingly, Applicants do not need to resubmit EP 0520985.

Drawings

The drawings are objected to under 37 CFR 1.83(a) as failing to show every feature of the invention specified in the claims. Applicants assert that a drawing of a sleeve is not required under 37 CFR 1.81(a), as Applicants are only required to furnish a drawing where necessary for the understanding of the subject matter sought to be patented. Because one skilled in the art would understand, based on the word sleeve alone, what is the subject matter sought to be patented, a drawing of a sleeve is not necessary for the understanding of this feature. Accordingly, Applicants assert that no drawing depicting a sleeve is required and request that the corresponding objection be withdrawn.

35 U.S.C. § 102

Claims 1-2, 4-9, 11-13, 16, 18, 20-22, 29, 33, 35, 39-43, 49, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by either U.S. Patent No. 4,757,570 to Haeusser *et al.* ("Haeusser") or U.S. Patent No. 1,908,509 to Davis ("Davis"). All of the pending claims recite an oral device that includes a handle having a pair of elongated arms that include opposed surfaces. Mounted on the opposed surfaces are cleaning elements positioned at an acute angle relative to an interproximal line and centering elements that include cylindrical bristle tufts shorter than said cleaning elements.

Neither Haeusser nor Davis discloses centering elements mounted on the opposed surfaces.

The Examiner asserts that the bristles (6') in Haeusser are centering elements. However, the bristles (6') are not mounted on opposing surfaces as recited in Applicants' claims.

Moreover, nothing in Haeusser teaches or suggests that the bristles (6') function to center the oral device around the user's teeth. Instead, Haeusser describes the bristles (6') as providing the function of simultaneously cleaning the chewing surface of the teeth. (See Haeusser, col. 2, 56-60.) Without centering elements mounted on opposing surfaces, Haeusser does not anticipate the claims. Accordingly, Applicants request reconsideration and withdrawal of the rejection.

The Examiner also asserts that bristles (14a) of the Davis toothbrush are centering elements. However, like Haeusser's bristles, the bristles (14a) are not mounted on the opposing surfaces as required by the claims. Because Davis does not disclose every element of the claims, Davis does not anticipate the claims. Accordingly, Applicants request reconsideration and withdrawal of the rejection.

35 U.S.C. § 103

Applicants' dependent claims have been rejected as being unpatentable over Haeusser or Davis in combination with various secondary references. All of Applicant's dependent claims require an oral device having a pair of elongated arms, and mounted on opposed surfaces of the arms, centering elements that include cylindrical bristle tufts relatively shorter than the cleaning elements. As discussed above, both Haeusser and Davis fail to provide such a teaching, nor do they fairly suggest this feature. Moreover, none of the cited secondary references provide the missing teaching of Haeusser or Davis (i.e., a teaching or suggestion of centering elements mounted on opposing surfaces, where the centering elements include bristle tufts relatively shorter than the cleaning elements). Accordingly, the cited combinations of Haeusser and Davis with the various secondary references fail to render Applicants' amended claims *prima facie* obvious, as the cited combinations fail to teach or suggest each element of Applicant's claims.

Applicants believe the Application is in condition for allowance, which action is requested.

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Respectfully submitted,

Date: _____

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